

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>DOUGLAS STEWART CARTER, Petitioner,</p> <p>vs.</p> <p>STEVEN TURLEY, Warden of the Utah State Prison, Respondent.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING RESPONDENT'S MOTION FOR EXTENSION OF TIME</p> <p>Case No. 2:02-CV-326 TS</p>
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Petitioner's counsel seeks a one-month extension of time to respond to the Respondent's Motion to Vacate Stay on the following grounds: (1) he is not yet fully recovered from major surgery; and (2) the other capital habeas cases he and his co-counsel handle require action during this same time frame. Respondent stipulates to the extension. The Crime Victim's Representative, Mr. Olsen, opposes the Motion on the ground that there has been repeated delay in this case. Mr. Olsen asserts that 28 U.S.C. § 2266(b)(1)(C)(i) allows only one 30-day extension, and points out this is the third request for an extension of time. Mr. Olsen also asserts the right to have these proceedings be free from unreasonable delay and the right to be treated with fairness and with respect for


the victim's dignity and privacy under the Crime Victim's Rights Act.¹

Petitioner is correct that § 2266(b) does not apply to this case because it is not an "opt-in" case. However, it is also true that the delay in this case has been intractable. The Court will grant an additional 30-day extension due to counsel's health, a circumstance which could not be foreseen or avoided. However, all counsel should be aware that the Court will grant no further extensions of time on the basis of demands in other cases. All capital habeas cases are important and considering the age of this case, there can be no justification for seeking continuance in this case instead of in a more recent case. It is therefore

ORDERED that Petitioner's Motion for an Extension of Time to Respond to Respondent's Motion to Vacate Stay (Docket No. 267) is GRANTED and Petitioner's Response is due November 17, 2008.

DATED October 9, 2008.

BY THE COURT:



TED STEWART
United States District Judge

¹18 U.S.C. § 3771(a)(7), (8).